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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,360	12/06/2001	Shoji Kobayashi	10973-063001	1671

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EXAMINER

TSIDUEKQ, MARK

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,360

Applicant(s)

KOBAYASHI ET AL.

Examiner

Mark Tsidulko

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

The submission of amendment filed on 7/7/03 is acknowledged. At this point all claims left unchanged. Thus, claims 1-13 are at issue in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4, 8, 9, 11-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Gotou (US 5,562,336).

Referring to Claim 1 Gotou discloses (Fig.3) a vehicle headlamp device having map information acquiring means for acquiring positional information on vehicle on a map and the environmental condition detection means for detecting an environmental condition of the road (col.4, lines 36-40).

The functional recitation that *light distribution control means performs light distribution control according to one of the information adopted with priority given thereto* has not been given patentable weight because it is narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing specified function, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. In re Fuller, 1929 C.D. 172; 388 O.G. 279.

Referring to Claims **2, 3** Gotou discloses a vehicle headlamp device wherein a lane with respect to the road on which the vehicle is driven is detected (col.2, lines 52-62). It is understandable that the detected result can be only positive (good) or negative (bad).

Referring to Claim **4** Gotou discloses the instant claimed invention except for the light distribution control is performed by using the modified information.

The light distribution control is performed by using the modified information because:
both the present position information of a vehicle and environmental information should be acquired in a periodic manner (for example, on the order of 1 second). Environmental condition detecting means detects an environmental condition relating to a traveling road according image information and than this information is used by the map information means and goes to the light distribution control. It means that the information acquired by environmental condition detecting means every 1 second (second information) is different from the previous (first) information and every 1 second the light distribution control means uses a modified information.

Referring to Claim **8** Gotou discloses a vehicle headlamp device having a steering information (Fig.3, [22]).

Referring to Claim **9** Gotou discloses a vehicle headlamp device wherein the light distribution control means controls driving means which controls an optical axis of the head lamp)col.2, lines 38-51).

Referring to Claims **11, 12** Gotou discloses a vehicle headlamp device wherein the control means controls an optical axis of the lamp in a lateral direction and area ahead of the vehicle (Abstract).

Referring to Claim 13 Gotou discloses a vehicle headlamp device wherein the control means controls to irradiate a lane mark near the vehicle (claims 8, 10).

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Claims 5-7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gotou (US 5,562,336) in view of Gotoh (US 5,193,572).

Referring to Claim 5 Gotou discloses the instant claimed invention except for when detection capability of the imaging unit is low, light distribution control means performs light distribution control according to the information derived from map information acquiring means.

Gotoh discloses (Fig.4) head lamp device for vehicle wherein imaging unit [12] and map information means [21] are connected to the light distribution control means separately and when the imaging unit is low, the light distribution control means performs light distribution control according to the information derived from map information acquiring means.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide connection of the imaging unit and map information unit to the light distribution control means as taught by Gotoh for the headlamp of Gotou in order to perform light distribution control according to the information derived from the map information means when detection capability of the imaging unit is low.

Referring to Claim 6 Gotou discloses the instant claimed invention except for when lane-mark detection capability of the imaging unit is low, the light distribution control means performs light distribution control according to the information derived from map information acquiring means.

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Gotoh discloses (Fig.4) head lamp device for vehicle wherein imaging unit [12] and map information means [21] are connected to the light distribution control means separately and when the lane-mark detection capability of the imaging unit is low (i.e. imaging unit is low), the light distribution control means performs light distribution control according to the information derived from map information acquiring means.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide arrangement of the imaging unit and map information unit to the light distribution control means as taught by Gotoh the headlamp of Gotou in order to perform light distribution control according to the information derived from the map information means when the lane-mark detection capability of the imaging unit is low.

Referring to Claim 7 Gotou discloses the instant claimed invention except for when worsening of weather is detected, light distribution control means performs light distribution control to according the information derived from the map information means.

Gotoh discloses (Fig.4) head lamp device for vehicle wherein imaging unit [12] and map information means [21] are connected to the light distribution control means separately and when worsening of weather is detected (i.e. imaging unit is low), the light distribution control means performs light distribution control according to the information derived from map information acquiring means.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide arrangement of the imaging unit and map information unit to the light distribution control means as taught by Gotoh the headlamp of Gotou in order to perform

light distribution control according to the information derived from the map information means when detection capability of the imaging unit is low as result of worsening of weather.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gotou (US 5,562,336) in view of Stam et al. (U.S. 5,837,994).

Gotou discloses a vehicle headlight control system having a light distribution control means.

Gotou discloses the instant claimed invention except for the light distribution control means controls an infrared lamp.

Stam et al. discloses (Fig.5) the light distribution control unit [201] that controls the infrared lamps [206] (col.3, lines 48-56). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide the light distribution control unit of Stam et al. for the device of Gotou in order to control emitting of infrared ray.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703)872-9319 for After Final communications.

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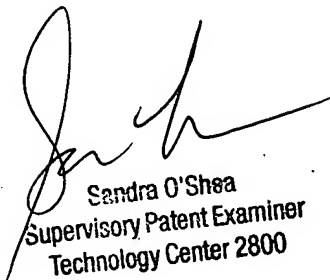
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.

September 10, 2003



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800